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REMARKS

In the Office Action, the Examiner noted that claims 1-39 are pending in the application, and that claims 1-39 are rejected under one or more of the following statutory sections: 35 U.S.C. §112, 35 U.S.C. §102, and 35 U.S.C. §103. The Examiner also noted that claims 8, 19, 25, 27-29, and 32 are objected to and require appropriate correction. The Examiner further noted that the drawings filed on January 17, 2002 have been accepted.

By this response, Applicants have amended the specification at pages 7, 8, and 23 to correct typographical errors and Applicants have amended claims 1-3, 11, 12, 15, 22-29, and 35. Particularly, claims 1-3, 11, 12, 15, 22-24, 26, 29, and 35 have been amended to clarify a feature of Applicants' invention. In view of the above amendments and the following discussion, Applicants submit that the claims pending in the application are believed to be definite under 35 U.S.C. §112, novel under 35 U.S.C. §102, and nonobvious under 35 U.S.C. § 103. Thus, Applicants believe that the application is in condition for allowance.

I. OBJECTION TO THE CLAIMS

The Examiner has objected to claims 8, 19, 25, 27, 28, 29, and 32 for certain informalities. Applicants respectfully traverse the grounds of objection as applied to claims 8, 19, and 32. Applicants have amended claims 25, 27, 28, and 29 with respect to the noted informalities.

Claims 8, 19, and 32 each call for a "packet/circuit switch." Contrary to the suggested correction, this term requires an element to provide both packet and circuit operations. Reference is made to the specification and the related drawings in which Applicants describe the packet and circuit operations of the Circuit Packet Bearer Traffic Gateway (CPBTG 122, for example) and the first switch 128. At page 4, lines 16-24, Applicants describe the coupling and possible integration of the CPBTG and the switch. At page 6, line 32 through page 7, line 6, Applicants describe the operations of the CPBTG and the first switch. From the cited sections, it is clear that Applicants have defined an element in claims 8, 19, and 32 that supports both packet and circuit

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operations. As such, claims 8, 19, and 32 are accurate and proper in calling for a "packet/circuit switch." In view of the remarks above, Applicants respectfully request that the objection to claims 8, 19, and 32 be withdrawn.

Claims 25 and 29 have been amended to call for "signaling traffic" in conformance with the antecedent term in base claim 23. Claims 27, 28, and 29 have been amended to call for "said voice traffic" in conformance with the antecedent term in base claim 23. In view of the amendments to the claims as described above, Applicants submit that the grounds for objection have been obviated. Applicants respectfully request that the objections to claims 25, 27, 28, and 29 be withdrawn.

II. REJECTION OF CLAIMS UNDER 35 U.S.C. §112

The Examiner has rejected claims 9, 10, 15, 16, 20, 21, 30, 31, 32, 33, and 34 as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as their invention. Specifically, the Examiner stated that, with respect to claims 9, 10, 20, 21, 30, 31, 33, and 34, "it is unclear what exactly MTA and CT portions are." With respect to claim 15, the Examiner stated that there is insufficient basis for the term "said second communication channels." Finally, with respect to claim 32, the Examiner stated that it is unclear how a switch can convert data packets to circuit switched traffic. Applicants have amended claim 15 to overcome the rejection. Applicants respectfully traverse the rejection of all the other claims.

Claims 9, 20, 30, and 34 individually call for "a Media Terminal Adapter-Cellular Transceiver (MTA-CT) having integrated MTA and CT portions", whereas claims 10, 21, 31, and 33 individually call for "a Media Terminal Adapter-Cellular Transceiver (MTA-CT) having non-integrated MTA and CT portions." In the specification at page 5, lines 25 through 28, Applicants describe a first multi-media terminal adapter and cellular transceiver (MTA-CT) 106 having an MTA 106A and a CT106B, both of which are shown in FIG. 1. Additionally, Applicants describe an MTA-CT controller 106C that is shown in greater detail in FIG. 2 and described in detail in the corresponding section of the specification beginning on page 7. From the cited sections of the specification and the drawings, it is believed that Applicants use of the phrase "MTA and CT portions" is

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explained sufficiently in and well supported by the specification, as well as being clear and definite.

The Examiner has raised several ancillary questions with respect to the MTA and the CT. Answers to these questions are provided in the several paragraphs immediately below.

First, a statement about the function of the MTA and the CT has been requested. Although functional descriptions for the various elements are given in multiple places in the specification with respect to a number of different Figures, only one exemplary description is being provided for the sake of brevity. Particularly, the description beginning at page 8 about the method in FIG 3 provides significant details about the functions performed by the MTA and the CT. That description is reproduced below as follows:

At step 306, a wireless communications link is established with first BSS 126. First BSS 126 serves as a link for the CT 106B to communicate and connect a call to a switch.

In response to CT 106B establishing a communication link with first BSS 126, first BSS 126, in turn, establishes a signaling link with first switch 128 at step 308. During the process of establishing a link with first switch 128, the CT 106B is going through an equipment authentication phase. During the equipment authentication phase, the CT's 106B authenticity is determined in a conventional manner.

At step 310, first switch establishes a communications link with second switch 138 via PSTN 130. At step 312, second switch 138, in response, causes subscriber B's second telephone 162 to ring. The method 300 then proceeds to step 314.

At step 314 a voice path is established between subscriber A and Subscriber B. At step 316, in response to a voice path being established at step 314, voice traffic is communicated between subscriber A and subscriber B via first MTA 106, first cable modem 108, first CMTS 120, first CPBTG 122, first switch 128, PSTN 130, second switch 138, second CPTG 142, second CMTS 144, second cable modem 158, and second MTA-CT 160.

At step 318, the method 300 then ends.

From the method described above, it is clear that the CT is at least involved in establishing the wireless link while the MTA is involved at least in communicating voice traffic.

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Next, the Examiner has questioned whether there is a difference between a CT and a normal mobile transceiver. Applicants have described in detail how their cellular transceiver operates throughout the specification and in a number of Figures. They chose to describe the CT operation on its own terms without reference to any other type of device. Since Applicants did not compare their CT to any other device such as a "normal mobile transceiver", it would be inappropriate to provide any comparison here. Applicants' description of their cellular transceiver (CT) is believed to be clear, definite and complete.

Lastly, the Examiner has questioned whether a Media Terminal Adapter is a MAC or something else. Applicants have described in detail how their MTA operates and what their MTA is at numerous places throughout the specification and in a number of Figures. They have described the MTA operation without comparative reference to any other type of device such as a MAC. Since Applicants did not compare their MTA to a MAC or to any other device, it would be inappropriate to provide any comparison here. Applicants' description of their media terminal adapter is believed to be clear, definite and complete.

Claim 15 has been amended to delete the term "second" from referring to communication networks. Accordingly, claim 15 is properly supported by its base claim and is believed to be clear and definite.

Claim 32 discloses "a packet/circuit switch for converting data packets to circuit switched traffic." In the specification beginning at page 6, line 32, Applicants state that:

First CMTS 120 then communicates voice signals to first CPBTG 122 where the voice signal is depacketized and communicated to first switch 128 in circuit form rather than packet form. Specifically, CPBTG 122 converts voice path setup and packet to circuit conversions and vice versa as opposed to present devices which only perform Network Based Call Signaling (NCS) and voice path setup. Illustratively, a product such as the Packet Star Access Concentrator model 1250 (PSAX 1250) manufactured by Lucent Technologies, Inc of Murray Hill, New Jersey could be used with minor modifications as CPBTG 122.

Applicants have called for a switch that, as far as claim 32 defines it, is capable of converting from a packet format or protocol to a circuit switched format or protocol. In fact, Applicants have offered in the specification that the Lucent Technologies'

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PSAX 1250 is one embodiment of a device capable of performing the necessary conversion. See *Applicants' specification at page 7, lines 3 et seq.* Applicants have also stated that the switch 128 and the CPBTG 122 may be integrated. See *Applicants' specification at page 4, lines 22 et seq.* Accordingly, claim 32 is believed to be clear and definite.

In light of the remarks presented above, Applicants submit that claims 9, 10, 15, 20, 21, 30, 31, 32, 33, and 34, as they now stand, fully satisfy all the requirements of 35 U.S.C. §112 and are allowable thereunder.

III. REJECTION OF CLAIMS UNDER 35 U.S.C. §102(b)

The Examiner rejected claims 1-8, 11-14, 17-19, and 23-28 as being anticipated by U.S. Patent 5,802,465 issued to Hamalainen et al. This rejection is respectfully traversed.

Hamalainen et al. teach a wireless network capable of data transfer. Generally, the wireless network carries speech and signaling or control information over its various channels. Speech is generally carried over the traffic channels (*see Hamalainen et al, FIG. 2*) and signaling or control information is carried over the control channels (*see Hamalainen et al, FIG. 2*). According to Hamalainen et al., it is possible to send packet data over the channels reserved for speech or over the channels reserved for control and signaling information. See *Hamalainen et al., cols. 7 and 8.*

Hamalainen et al. fail to teach, show, or suggest a system wherein the speech or voice data travel over a different communication network from the signaling or control data as claimed by Applicants. In the Hamalainen et al. system, both the traffic channels that are intended for speech or voice data and the control channels that are intended for control or signaling data exist as different wireless channels allocated between the mobile subscriber and the mobile base station. Although the channels may be different, the communication network remains the same for those channels. Information such as speech or packet data carried in the traffic channels travels over a wireless network, the very same wireless network that carries the information in the control channels. There is no attempt by Hamalainen et al. to take the speech or packet

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information and send it over one network such as a packet network, for example, while simultaneously sending the control or signaling information over a different network such as a wireless network. This is a crucial point of distinction between Hamalainen et al. and Applicants' claimed inventions.

Applicants claim an invention in which voice data and signaling data for a particular call are bifurcated and then transmitted over different communication networks, not the same network as taught by Hamalainen et al. In support of the claimed invention, Applicants have described many examples in the specification showing a signaling path established over a wireless network while the voice path is set-up over a different network such as a data packet network.

Hamalainen et al. transmit signaling data and voice data over the same wireless network, just in different channels. Hamalainen et al. do not teach, show, or suggest "transmitting said signaling data via a first network and said voice data via a second network, wherein the first network is different from the second network", as stated in amended claim 1. As a result, Applicants submit that claim 1 is not anticipated by Hamalainen et al.

Claim 2 depends directly from claim 1. Even though Applicants further define the first network as a wireless network, Applicants still require that the first and second networks be different. Hamalainen et al. transmit all their data, both signaling and voice, over the same wireless medium. Hamalainen et al. do not teach, show, or suggest the first network being a wireless network and the second network being a different network as claimed by Applicants. For the reasons set forth above with respect to claim 1 and the reasons set forth herein, Applicants submit that claim 2, dependent from claim 1, is not anticipated by Hamalainen et al.

Claim 3 depends directly from claim 1. Even though Applicants further define the second network as a data packet network, Applicants still require that the first and second networks be different. Hamalainen et al. transmit all their data, both signaling and voice, over the same wireless network with no teaching of a data packet network. Hamalainen et al. do not teach, show, or suggest the second network being a data packet network and the first network being a different network as claimed by Applicants.

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For the reasons set forth above with respect to claim 1 and the reasons set forth herein, Applicants submit that claim 3, dependent from claim 1, is not anticipated by Hamalainen et al.

Claims 4 and 5 depend directly from claim 1. For the reasons set forth above with respect to claim 1, Applicants submit that claims 4 and 5, each dependent from claim 1, are not anticipated by Hamalainen et al.

Claim 6 depends directly from claim 3 and ultimately from claim 1. For the reasons set forth above with respect to claims 1 and 3, Applicants submit that dependent claim 6 is not anticipated by Hamalainen et al.

Claims 7 and 8 depend directly from claim 5 and ultimately from claim 1. For the reasons set forth above with respect to claims 1 and 5, Applicants submit that dependent claims 7 and 8 are not anticipated by Hamalainen et al.

Hamalainen et al. do not teach, show, or suggest "said voice traffic and said signaling traffic being carried via different communication networks", as stated in amended claim 11. Instead, Hamalainen et al. transmit signaling data and voice data over the same wireless network, just in different channels. As a result, Applicants submit that amended claim 11 is not anticipated by Hamalainen et al.

Claims 12, 15, and 17 through 19 depend directly from claim 11. For the reasons set forth above with respect to claim 11, Applicants submit that dependent claims 12, 15, and 17 through 19 are not anticipated by Hamalainen et al.

Claims 13, 14, and 16 depend ultimately from base claim 11. For the reasons set forth above with respect to base claim 11, Applicants submit that dependent claims 13, 14, and 16 are not anticipated by Hamalainen et al.

Hamalainen et al. do not teach, show, or suggest "establishing a signaling link to a switch via a first transport network and establishing a voice path to said switch via a second transport network responsive to a determination that said called party answers, said first transport network being different from said second transport network", as stated in amended claim 23. Instead, Hamalainen et al. transmit signaling data and voice data over the same wireless network, just in different channels, as recognized by

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the Examiner. As a result, Applicants submit that claim 23 is not anticipated by Hamalainen et al.

Claims 24, and 26 depend directly from claim 23 whereas claims 25, 27, and 28 depend ultimately from base claim 23. For the reasons set forth above with respect to independent claim 23, Applicants submit that dependent claims 24 through 28 are not anticipated by Hamalainen et al.

Since Hamalainen et al. do not teach, show, or suggest transmission of voice and signaling data through different networks, Hamalainen et al. do not teach, show or suggest each and every element of Applicants' claimed invention. Therefore, Applicants submit that claims 1-8, 11-14, 17-19, and 23-28 are not anticipated by the Hamalainen et al. patent and, as such, fully satisfy the requirements of 35 U.S.C. §102.

IV. REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)

A. Rejection over Hamalainen et al.

The Examiner has rejected claims 35 through 39 as being unpatentable over U.S. Patent 5,802,465 to Hamalainen et al. The rejection is respectfully traversed.

The teachings of Hamalainen et al. have been described above in Section III of the Remarks which are incorporated herein. The lack of teaching by Hamalainen et al. with respect to Applicants' claimed invention has also been carefully discussed above. In particular, Hamalainen et al. fail to teach, show, or even remotely suggest "transmitting said voice traffic via said communications link established by a controller, said voice traffic and said signaling traffic being carried via different communication networks", as defined in Applicants' independent claim 34. Instead, Hamalainen et al. transmit voice data and control data over the same wireless network, albeit different channels in the same network. Different channels for transmission over the same network cannot be reasonably perceived to be suggestive of wholly different networks as claimed by Applicants.

Also, as noticed by the Examiner, Hamalainen et al. lack any teaching or suggestion of a computer readable medium storing a software program that, when executed by a computer, causes the computer to perform a method. Even though the

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Examiner suggested a motivation of performing the Hamalainen et al. techniques as a computer program, there is no such suggestion, express or implied, within the Hamalainen et al. reference. It is submitted that the suggested motivation cannot be considered without a teaching of that motivation in the applied reference.

In light of the reasons presented above with respect to claim 34, it is submitted that the Hamalainen et al. patent fails to teach, show, or suggest Applicants' claimed invention. As a result, claim 34 is believed to be nonobvious and allowable under 35 U.S.C. §103.

Claims 35 through 39 depend directly or indirectly from independent claim 34. For the reasons set forth above with respect to independent claim 34, Applicants submit that dependent claims 35 through 39 are not obvious over the Hamalainen et al. patent. Accordingly, claims 35 through 39 are believed to be allowable under 35 U.S.C. §103.

B. Rejection over Hamalainen et al. in view of Jachowski

The Examiner has rejected claims 22 and 29 as being unpatentable over U.S. Patent 5,802,465 to Hamalainen et al. in view of U.S. Patent 4,726,071 to Jachowski. The rejection is respectfully traversed.

The teachings of Hamalainen et al. have been described immediately above and earlier in Section III of the Remarks. The lack of teaching by Hamalainen et al. with respect to Applicants' claimed invention has also been carefully discussed above. Relevant parts of the earlier discussions will be repeated below for easy reference.

Hamalainen et al. fail to teach, show, or suggest "transmitting said voice traffic via said communications link established by a controller, said voice traffic and said signaling traffic being carried via different communication networks", as defined in Applicants' independent claim 11 from which claim 22 depends directly. Also, Hamalainen et al. do not teach, show, or suggest "establishing a signaling link to a switch via a first transport network and establishing a voice path to said switch via a second transport network responsive to a determination that said called party answers, said first transport network being different from said second transport network", as defined in Applicants' independent claim 23 from which claim 29 depends directly.

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Instead, Hamalainen et al. transmit voice data and control data over the same wireless network, albeit different channels. Different channels for transmission over the same network cannot be reasonably perceived to be suggestive of entirely different networks as claimed by Applicants in the respective base claims for claims 22 and 29.

Both claims 22 and 29 define the additional step of switching the voice traffic back to the same communication network carrying the signaling traffic when loss of local power is detected. Hamalainen et al, as noted by the Examiner, fail to teach, show, or suggest this additional step. Not only does the reference fail to teach such a step, but it also fails to evidence an appreciation of a need for such a step. There is no motivation, express or implied, in the Hamalainen et al. patent for having such a step. Only Applicants recognized the need for such a step.

Jachowski discloses a need to easily tune a resonant cavity in a wireless system to another frequency if, for example, a channel becomes inoperative. This reference teaches that the particular channel be kept on the same network as the other channels, just switched to a different frequency. As such, Jachowski cannot be read as curing the insufficient teachings of the Hamalainen et al. patent and as teaching what Applicants claim.

In neither Hamalainen et al. nor Jachowski is there any teaching about traffic or data or channels being carried over different networks. Instead both references refer to signals or data being carried in different channels of the same network. This is not even analogous to Applicants' claimed invention. While the Jachowski patent has been offered in combination with the Hamalainen et al patent, neither Jachowski alone nor in combination with Hamalainen et al. teaches or suggests the step as claimed by Applicants in claims 22 and 29.

Also, as noticed by the Examiner, Hamalainen et al. lack any teaching or suggestion of a computer readable medium storing a software program that, when executed by a computer, causes the computer to perform a method. Even though the Examiner suggested a motivation of performing the Hamalainen et al. techniques as a computer program, there is no such suggestion, express or implied, within the

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Hamalainen et al. reference. It is submitted that the suggested motivation cannot be considered without a teaching of that motivation in the applied reference.

In light of the reasons given above, it is respectfully submitted that neither Hamalainen et al. nor Jachowski, either separately or in combination, teach, show, or suggest Applicants' invention defined by claims 22 and 29. Therefore, claims 22 and 29 are believed to be nonobvious and allowable under 35 U.S.C. §103.


CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that the claims presently in their application are definite under the provisions of 35 U.S.C. §112, novel under the provisions of 35 U.S.C. §102, and nonobvious under the provisions of 35 U.S.C. §103. Applicants believe that this application is in condition for allowance. Reconsideration of this application and its swift passage to issue are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Gregory C. Ranleri, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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